



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: May 11, 2018
MAHS Docket No.: 18-001940
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on May 9, 2018, from Detroit, Michigan. Petitioner was present and represented himself. The Department of Health and Human Services (Department) was represented by Michelle Morley, Assistance Payments Supervisor and Cecilia Perry, Assistance Payments Worker.

ISSUE

Did the Department properly deny Petitioner's application for State Emergency Relief (SER)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On [REDACTED], 2018, Petitioner submitted a request for SER benefits for his energy-related electric bill and replacement of his heat-related pellet stove (Exhibit B).
2. On [REDACTED], 2018, an interview was conducted with Petitioner related to the application.
3. On February 7, 2018, the Department sent Petitioner an Application Notice informing Petitioner that his application for SER benefits was denied.

4. On February 9, 2018, Petitioner submitted a request for hearing disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In this case, Petitioner submitted a request for SER benefits related to his electric bill and the replacement of his pellet stove, which was the household's heat source. On [REDACTED], 2018, the Department issued a notice informing Petitioner that his application for SER benefits was denied.

SER helps to prevent loss of a home if no other resources are available and the home will be available to provide safe shelter for the SER group in the foreseeable future. ERM 304 (October 2017), p. 1. SER also assists with home repairs to correct unsafe conditions and restore essential services. ERM 304, p. 1. The Low-Income Home Energy Assistance Program (LIHEAP) is the funding source for energy-related repairs. ERM 304, p. 2. Repair or replacement of a non-functioning furnace is currently the only allowable energy-related home repair. ERM 304, p. 2.

The Department testified that Petitioner requested to replace his pellet stove with a gas furnace. During the interview conducted on [REDACTED], 2018, Petitioner stated that his pellet stove was functioning but not efficiently. The Department denied Petitioner's SER request related to his pellet stove, as it was still functioning.

Petitioner testified that his pellet stove requires a significant amount of maintenance in order for it to function properly. Petitioner stated that his pellet stove must be cleaned on a regular basis, which causes significant debris and dust. Petitioner believed his current heat source was a safety hazard to his family. However, Petitioner acknowledged that at the time of the application, his pellet stove was functioning. Policy specifically provides that SER benefits for the repair or replacement of a furnace requires that the current furnace be non-functioning. Therefore, the Department acted in accordance with policy when it denied Petitioner's request for his pellet stove to be replaced with a gas furnace.

Low-income households who meet all State Emergency Relief (SER) eligibility requirements may receive assistance to help them with household heat and electric

costs. ERM 301 (January 2018), p. 1. Funding for energy services assistance is provided through the Low-Income Home Energy Assistance Program (LIHEAP). ERM 301, p. 1. For energy related emergencies, the SER crisis season runs from November 1 through May 31. ERM 301, p. 1. The definition of a crisis includes an individual or household has a past due account or shut-off notice on an energy bill for his or her household. ERM 301, p. 1.

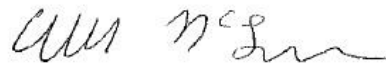
The Department testified that Petitioner was not entitled to SER benefits for assistance with his electric bill because he did not receive a statement that his account was past due or in shut-off notice. Petitioner testified that he owed a large electric bill and was concerned it would become past due. Petitioner stated he preemptively requested benefits so that an emergency would not occur. Energy-related SER benefits are only for those in a current crisis. Therefore, the Department acted in accordance with policy when it denied Petitioner's request for assistance with his electric bill. Thus, the Department acted in accordance with policy when it denied Petitioner's SER application.

Additionally, during the hearing Petitioner testified that since the application for SER benefits, he had received assistance with his electric bill from the Salvation Army and replaced his pellet stove with a gas furnace. Certain conditions must be met before SER can be issued to help individuals and families whose health and safety are threatened, which includes that the SER payment must resolve the emergency. ERM 103 (January 2018), p. 3. As Petitioner has resolved the issues he believed were an emergency, he would not be entitled to SER benefits.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied Petitioner's application for SER benefits. Accordingly, the Department's decision is **AFFIRMED**.

EM/cg



Ellen McLemore

Administrative Law Judge
for Nick Lyon, Director

Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MAHS Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via Email:

MDHHS-Roscommon-Hearings
T. Bair
E. Holzhausen
BSC1-Hearing Decisions
MAHS

Petitioner – Via First-Class Mail:

